

IN THE SUPREME COURT OF THE STATE OF NEVADA

80 HUNTFIELD DRIVE TRUST,
Appellant,

vs.

WELLS FARGO, NATIONAL
ASSOCIATION; WELLS FARGO BANK
AS SUCCESSOR BY MERGER TO
WELLS FARGO HOME MORTGAGE,
INC.; AND ANY AND ALL OTHER
PERSONS UNKNOWN CLAIMING ANY
RIGHT, TITLE, ESTATE, LIEN OR
INTEREST IN THE PROPERTY
ADVERSE TO THE PLAINTIFF'S
OWNERSHIP, OR ANY CLOUD UPON
PLAINTIFF'S TITLE THERETO,
Respondents.

No. 63965

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No. 64206

FILED

NOV 25 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malme
DEPUTY CLERK

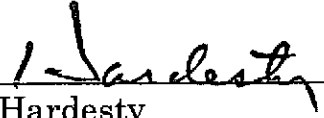
ORDER VACATING, REVERSING, AND REMANDING

These are consolidated appeals from a district court order denying a preliminary injunction and an order granting a motion to

dismiss, certified as final under NRC P 54(b), in a quiet title action. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

The district court denied appellant's motion for a preliminary injunction, finding that it was not likely to succeed on the merits. The district court then granted Wells Fargo's motion to dismiss, concluding that under NRS 116.3116(2), "the HOA may have a priority for payment of its lien, but the first security interest Deed was not extinguished by the foreclosure sale conducted by the HOA." This court's recent disposition in *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev. ___, 334 P.3d 408 (2014), decides that a common-interest community association's NRS 116.3116(2) superpriority lien has true priority over a first security interest, and the association may nonjudicially foreclose on that lien. The district court's decisions thus were based on an erroneous interpretation of the controlling law and did not reach the other issues colorably asserted. Accordingly, we

VACATE the order denying preliminary injunctive relief, REVERSE the order granting the motion to dismiss, AND REMAND this matter to the district court for further proceedings consistent with this order.


_____, J.
Hardesty


_____, J.
Douglas

CHERRY, J., concurring:

For the reasons stated in the *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev. ___, 334 P.3d 408 (2014), dissent, I disagree that respondent lost its lien priority by virtue of the homeowners association's nonjudicial foreclosure sale. I recognize, however, that *SFR Investments* is now the controlling law and, thusly, concur in the disposition of this appeal.

Cherry, J.
Cherry

cc: Hon. David B. Barker, District Judge
Greene Infuso, LLP
Wright, Finlay & Zak, LLP/Las Vegas
Eighth District Court Clerk